

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 339 – HB 1176

March 10, 2017

SUMMARY OF BILL: Reduces the penalty for the offense of carrying a handgun without a permit and with the intent to go armed to a Class C misdemeanor with a \$25 fine for a first offense and \$50 for a second or subsequent offense and requires a citation to be issued in lieu of arrest.

ESTIMATED FISCAL IMPACT:

Decrease Local Revenue - \$160,000

Assumptions:

- Currently, the offense for carrying a handgun without a permit with the intent to go armed codified in Tenn. Code Ann. § 39-17-1307 is a Class C misdemeanor in addition to possible imprisonment as provided by law and may be punished by a fine not to exceed \$500 for a first offense and a Class B misdemeanor for a second and subsequent offense.
- It is reasonably assumed that no jail time is being served and that an average fine of \$250 is being assessed and collected under current law for all violations of Tenn. Code Ann. § 39-17-1307, all of which is considered local revenue.
- According to statistics from the Administrative Office of the Courts (AOC), there has been an average of 100.8 convictions per year for violations of Tenn. Code Ann. § 39-17-1307, over the last five years. These statistics represent convictions at the state court level. It is assumed that only 10 percent of misdemeanor convictions are at the state court level. It is assumed that there are a total of 1,008 statewide convictions (100.8 x 10) per year for violations of Tenn. Code Ann. § 39-17-1307. However, there are two classes of weapons—firearm or club—prohibited under Tenn. Code Ann. § 39-17-1307. The statistics are not separated by offense. It is assumed that 900 of the 1,008 involve a handgun rather than a club or other firearm. It is further assumed 800 of the 900 estimated violations are first time offenses, and the remaining 100 violations are estimated to be second and subsequent violations.
- Due to indigence, approximately 80 percent of all fines are estimated to be paid.

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- The reduction in fine revenue per first offense is estimated to \$225 (\$250 average fine under current law - \$25 proposed fine), and for second and subsequent offenses is estimated to be \$200 (\$250 average fine under current law - \$50 proposed fine).
- The recurring decrease in local revenue is estimated to be \$160,000 [(\$225 decrease x 800 first-time violations x 80.0% collection rate) + (\$200 decrease x 100 second and subsequent violations x 80.0% collection rate)].

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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